Amendments to the Drawings:

The attached sheets of drawings include changes to Figure 6. These sheets replace the originally sheet of Figure 6.

Attachment: Replacement Sheet

                Annotated Sheet Showing Changes

REMARKS

The enclosed is responsive to the Examiner's Office Action mailed on March 7, 2005. At the time the Examiner mailed the Office Action claims 1-8, 10-16 and 22-24 were pending. By way of the present response the Applicant has: 1) amended claims 1, 3, 11, and 22; 2) added no new claims; and 3) canceled no claims. As such, claims 1-8, 10-16, and 22-24 are now pending. The Applicant respectfully requests reconsideration of the present application and the allowance of all claims now presented.

Drawings

Figure 5 was objected to for not illustrating what the new primary root splitter will be splitting once it has been reconfigured after the old primary root figure has failed. Applicant respectfully submits that Figure 5 requires no amendment. Figure 5 illustrates an embodiment of stream splitting not implementing a backup root splitter.

Figure 6 was objected to for not illustrating what the new primary root splitter will be splitting once it has been reconfigured after the old primary root figure has failed. While Applicant does not necessarily agree with this objection, Figure 6 has been amended to expedite prosecution of the present application. Support for this amendment may be at least found in the last paragraph of page 12 of the present application. No new matter has been added.

Figure 6 was also objected to for not showing the "redirection system" as being a part of the POP site. Applicant respectfully submits that the redirection

system may be a part of the data center. Support for this assertion may be found on page 12, lines 9-14 and page 13, lines 10-13.

Thus, for the foregoing reasons, Applicant respectfully submits that the drawing objections have been overcome.

Claim Rejections

35 U.S.C. 112 Rejections

The Office Action rejected claims 1, 11 and 22 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

While Applicant does not necessarily agree with the Office Action's rejections under § 112, Applicant has amended these claims to expedite prosecution of the present application. Applicant respectfully submits that the present set of amended claims overcome these rejections and that no new matter has been added.

35 U.S.C. 103(a) Rejections

The Office Action rejected claims 1-2, 4, 11-12 and 22-23 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,665,726 B1 (hereinafter "Leighton") in view of U.S. Patent 6,032,194A (hereinafter "Gai").

Leighton discloses a system for performing fault-tolerant media streaming over a network. However, the system described in Leighton achieves fault

tolerance using substantially different techniques than those claimed herein. Specifically, in Leighton, a plurality of "concentrators" receive a plurality of independent media streams from upstream splitters. As described in Leighton,

> . . . a given concentrator receives two copies of the source signal from at least two different splitters. The concentrators process the incoming streaming signal copies, for example, by merging them into a single or composite copy of the original source signal according to a given processing algorithm. Thus, preferably a given concentrator receives streams from multiple sources, removes duplicate packets, and then outputs a single stream. The output of a given concentrator may then be fed into a splitter, with the process then being repeated if desired to make an arbitrary large number of copies of the signal. At the end of the replication process, the output of a splitter or a concentrator is fed directly or indirectly to an end user. The replication process is fault-tolerant, and thus the end user's signal is not interrupted regardless of signal or equipment problems within the distribution mechanism.

Thus, the system in Leighton achieves fault tolerance by providing each concentrator with multiple sources for each stream. If a first upstream source goes down the concentrator can still receive the stream from a second upstream source. However, Leighton does not teach or suggest reconfiguring a downstream or "leaf" splitter as a backup to a primary root splitter as recited in the present set of claims.

Gai discloses reconfiguring ports of devices executing the "spanning tree algorithm." Gai, abstract. In the spanning tree algorithm, "root ports" are selected and allow data frames to be forwarded to and from these ports. Gai, col. 2, lines 53-60. Ports that are not in the "spanning tree" are placed in a block state where no data frames are forwarded. Gai, col. 2, lines 60-63. These blocked ports may be designated as a back-up port. Gai, col. 5, lines 43-44.

"Upon detection of a failure at the active forwarding port, the state of one of the back up ports transitions from blocked to forwarding, thereby becoming the new active port for the device." Gai, col. 5, 44-47.

However, Gai does not teach or suggest reconfiguring a downstream or "leaf" splitter as a backup to a primary root splitter as recited in the present set of claims. Gai simply discloses changing the inactive ports of a device to active when the active port fails. These inactive or blocked ports serve no other purpose. Providing redundant ports is quite different from reconfiguring a leaf splitter to perform the operations of a root splitter upon detecting a problem with the root splitter, as recited in the present set of claims.

The Office Action rejected claims 3, 5-7, 13-16 and 24 under 35 U.S.C. 103(a) as being unpatentable over Leighton in view of Gai and further in view of U.S. Patent 6,112,239 A (hereinafter "Kenner"). Kenner discloses the use of "an intelligent mirroring scheme . . . used to determine the need for and distribution of mirror sites and to direct user requests for certain Web content to an optimum mirror site." Kenner, column 5, lines 8-11. A redirection server is used to identify the "optimum" mirror site in response to a client request. Column 15, lines 32-35. However, Kenner does not teach or suggest reconfiguring a leaf splitter to perform the operations of a root splitter upon detecting a problem with the root splitter, as recited in the present set of claims.

The Office Action rejected claims 8 and 10 under 35 U.S.C. 103(a) as being unpatentable over Leighton in view of Gai and further in view of U.S. Patent 6,292, 905 B1 (hereinafter "Wallach"). Wallach discloses general

techniques for achieving fault tolerance within a computer network. Specifically, Wallach generally discloses a system a primary server and a dedicated secondary server. The secondary server is "in a constant state of readiness to take over" for the primary server. Providing a dedicated backup server is quite different from reconfiguring a leaf splitter to perform the operations of a root splitter upon detecting a problem with the root splitter, as recited in the present set of claims.

CONCLUSION

Applicant respectfully submits that all rejections have been overcome and that all pending claims are in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account Number 02-2666. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Thomas C. Webster at (408) 720-8300.

Respectfully Submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 7/7 , 2005

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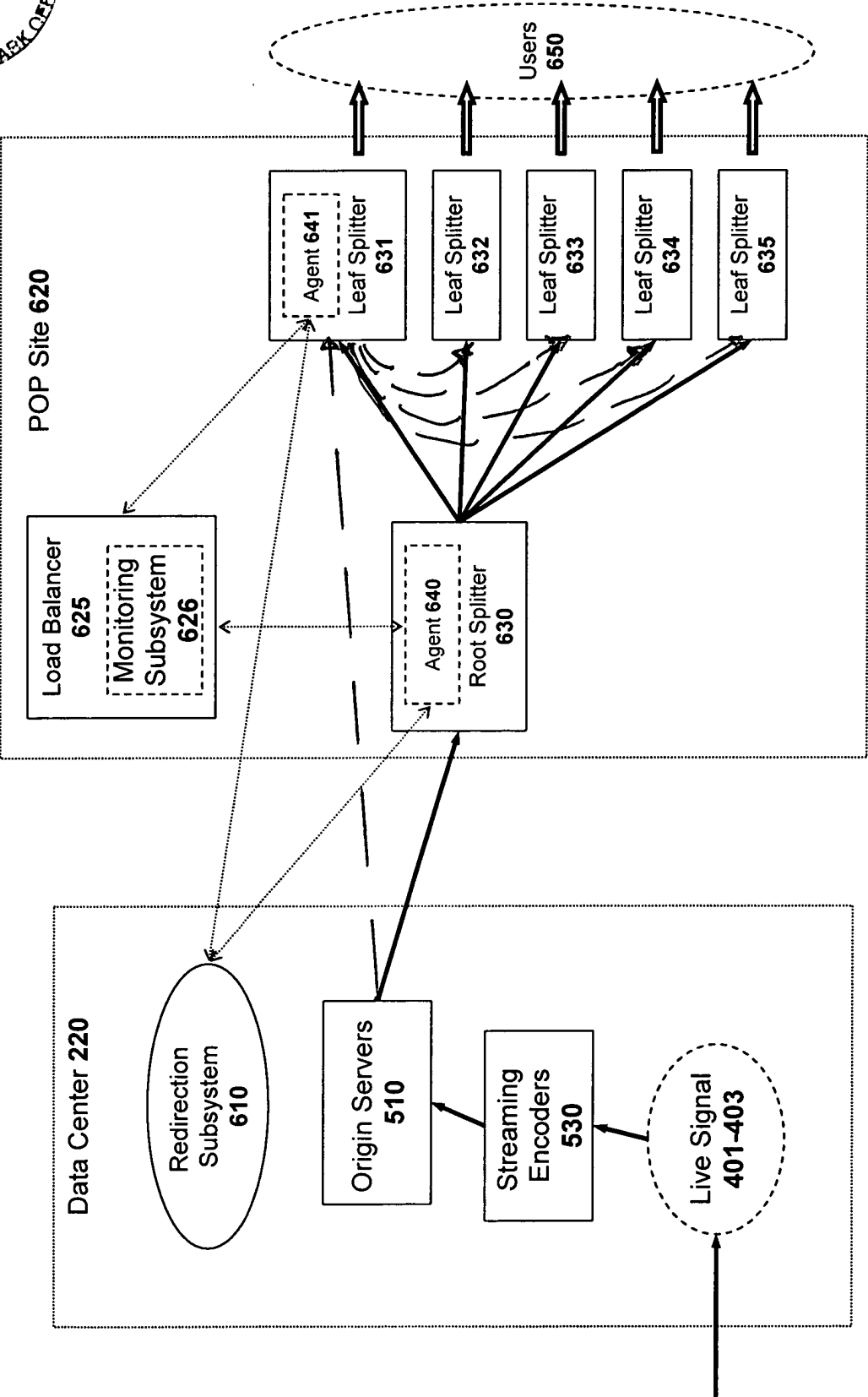Los Angeles, CA 90025-1026
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FIG. 6